

BOARD OF MAYOR AND ALDERMEN

July 19, 2005

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil,
Lopez, Shea, Garrity, Smith, Thibault and Forest

Absent: Alderman DeVries

Mayor Baines stated before we begin the meeting this evening I have a few announcements to make. First of all, I'd like to thank all of the sponsors of the new Thalien Players that sponsored "*Grease*" at Veteran's Park this past weekend. Any of you that had the opportunity to attend like my wife and I did on Saturday evening and my daughter, her husband and my grandson went on Sunday evening...the crowds were absolutely spectacular. By any account if you look at crowds in the park...I know they were clicking in the number of people but having run a number of graduations in the park that crowd had to have been well over three thousand people on Saturday evening. It was an unbelievable success...Alderman Porter was there on Saturday night as well and everyone involved in that effort should be very, very proud and it just points out the tremendous interest in arts, the theatre in our community and I think it also bodes well for us as we promote more activities in the downtown area and I think we as a City and as the Board of Mayor and Aldermen we need to look for ways to encourage and support those types of activities for all the families in our community. So, everyone involved in that deserves an awful lot of credit and I'm going to work very hard with the organizers as I did this year to continue and expand that program over the next couple of years with the support of the Board of Mayor and Aldermen. I'm very excited about supporting that effort.

Mayor Baines stated it also is an honor for me to introduce this evening and welcome to him first meeting of the Board of Mayor and Aldermen, Paul Borek our new Economic Development Director. Paul would you please stand and be recognized...we welcome you.

Mayor Baines stated I have another announcement that's going to surprise a number of you this evening and it's a great personal disappointment to me because I've had the great honor and privilege of working with this gentleman over the past five years and he has been my partner in the revitalization of downtown. As we look at the various projects, rehabilitation of abandoned buildings, the development at Bridge and Elm, Riverfront Development Project and all that went with that plus the helping of so many small businesses relocating to

the downtown area. When I became Mayor I noticed a very significant void in the Office of the Mayor...there was going to be someone who was going to help us focus on making sure the downtown took the shape and vision that all of us wanted to see and we look back over the past five years and we see a downtown that's alive, it's vibrant, it's focused and if any of you saw the Portland Sunday newspaper last week...I was on vacation at the beach and went to see it and we've got a copy of it for you to see before you leave...it was a front page story...the entire front page of this statewide newspaper in Maine talking about what's happening in Manchester and then as you opened it up there were two full pages chronicling all of the different activities and the vibrancy of our City, the focus on our School Improvement Project, the renovation project, all the activity in downtown, all the way from the arena to the airport to the Riverfront Development and the total revitalization and focus on the City of Manchester and I'm very proud that this gentleman was my partner in this. He has now had an opportunity and his wife as well has an opportunity to relocate down to Richmond to her position with Citizens Bank in the City of Manchester and he traveled down to Richmond and a good friend of mine the Mayor...Doug Wilder, the former Governor of Virginia...we became very good friends and secured an appointment for him and recently he has been named the Economic Development Director for the City of Richmond, Virginia...he'll be leaving in a few weeks...my good friend and a great City employee Bill Jabjiniak, congratulations. This was a tough decision because there's a child involved in this and I know we've had a lot of conversations about that. Bill, I think this is going to be great for you and your family, it's a great opportunity for both you and your wife. Richmond is going through a lot of struggles. They have a new form of government...they recently switched from a city manager to a strong mayor form of government. Mayor Wilder is completely reorganizing and restructuring the city government down there...they're involved in (believe it or not) a major baseball focus...a redevelopment project in the city and there are a lot of opportunities with buildings that need rehabilitation and create business opportunities in the city...it's a city of approximately 200,000 people, a very dynamic and vibrant city with a very dynamic, I might add, Mayor who is very much committed to strengthening the economic development of the city and it's going to be a great opportunity.

Mayor Baines stated the other thing I would like to mention this evening...recently, I had the opportunity to tour the devastation of the Easter Seals' property. Many of you have read about what happened with that flooding in that facility and it's a very significant issue for Easter Seals and I'm making a personal appeal to the citizens of Manchester this evening and also to different organizations who could come to their aid. It's about a \$500,000 project...for everybody that's been involved in Easter Seals knows the great work that they do for people in our community all the way from the very tiniest citizens of Manchester to some of our elderly citizens who are struggling with a lot of issues that they have a safe and secure environment to go to. My mother, many years ago, was a volunteer at Easter Seals in the City and I've been very involved in that organization and they're looking for help and I'm asking people to dig down as I will be doing to make a donation to Easter Seals New

Hampshire Flood Relief, 555 Auburn Street, Manchester, NH 03103. Again I will repeat that and I would hope that Community Television as they rebroadcast this over the next several months will put this address up there...Easter Seals New Hampshire Flood Relief, 555 Auburn Street, Manchester, NH 03103. Again, there's been a lot of generosity out there and I believe it's over \$100,000 that Larry Gammons said they've raised and I will be convening a meeting with city officials over the next week or so with Larry and other people from Easter Seals and Kevin Clougherty, Bob MacKenzie, Paul Borek and others to look and see if there are ways that city government might be able to help with resources to get this organization back up and running again. The people in the community...it's a very generous community and I'm pleading for your help for this magnificent organization here in the City of Manchester.

Mayor Baines stated we now have presentations of certificates to contributors to the Manchester Art Fund this evening. Okay, we'll do that a little later.

Mayor Baines stated I would like to introduce some representations from the Somali Development Center and a presentation to Kathy Marchocki for news coverage of the refugee issues. Please welcome them all to our meeting of the Board of Mayor and Aldermen this evening.

Mr. Nasir Arush stated I'm the Director of the Somali Development Center in New Hampshire...introduced other members in attendance...Good evening Mayor, good evening Aldermen...I have been in Manchester since 2000, am a graduate of Southern NH University. Thank you for the help that you've given to the Somali community, Manchester School District, Manchester Health Department, Child Health Services and others...you've done a wonderful job for helping the Somali community. I'd also like to thank Miss Kathy Marchocki from *The Union Leader* for her articles about the Somali in New Hampshire. Her articles have generated great work response...I would like to give you one example...there is a small construction company in Hampstead, New Hampshire...Dubois...they found the Somali community...they collected donations from Derry to Salem, New Hampshire and items were beds, washing machine, sofa, couches, dining room table and other items and cleaning supplies. These items were distributed to some 12 Somali Manchester residents with the help of the Somali Development Center. We're here tonight to announce that the Somali Development Center New Hampshire will be open...the office will serve the Somali community and other communities in New Hampshire. Our services will be beneficial to the entire community and we will facilitate more interaction with the Somali community. There are 400 Somali's in the State of New Hampshire and each family has a high number of children. Most of those families were refugees from 1991 and this is the first time in their life they are living in a safe place...a place they can call home. The Somali community in New Hampshire is going through a very hard time by just leaving home. They are not

getting connected to most of the services for low-income communities, they are not getting a lot of interaction with their neighbors which is very important. The main objective of the Somali Development Center in NH will be to ease the Somali community's transition to a new home. The services we will include are employment services, unemployment rate for the Somali women is very high and we will work on providing youth programs such as after school programs for the families, we will provide health screening such as lead poisoning and family planning. We will work with issues such as domestic violence and we will help the Police Department and finally the most important thing we will help the Somali community get connected with available services. Our office will be at 517 Elm Street and we are really grateful for their support to help the Somali community. I would like to assure you that the Somali Development Center will make an effort to assist New Hampshire residents and would like to welcome the Assistant Director of the Somali Development Center in Boston.

Mr. Abdirahman Yusuf stated I am a former émigré from a small east African country Somalia and I am now a proud citizen of the United States and I've lived in Boston, Massachusetts for the last 25 years. I'm also the current Executive Director and co-founder of the Somali Development Center in Boston. We have been providing direct social services to African refugees in the New England area over the past 10 years and we have just now as Nasir mentioned expanded that to Manchester because of the need that exists that requires strong, competent bilingual and bicultural elements. He has told us that the Somali refugees have gotten a lot of help, have gotten a lot of exposure especially with the help of Kathy, so we are opening our office branch here in Manchester to provide services to the Somali community to make sure that they assimilate properly and that they take full advantage of their new opportunities in their new homeland. Now, with Nasir mentioning everything he's doing and he plans to do here in Manchester has all been done at this point on a voluntary basis. There's no paid staff, there's no budget, we provide some technical assistance to him, some advice, some counsel and guidance but he essentially is doing this on a voluntary basis and we hope that we will be able to make this a permanent institution within the Manchester, New Hampshire community. So, I would like to right now at this point thank the Mayor whom we have met before for his welcome and open discussions with us in the past. I'd also like to really thank Kathy. We have a little token of our appreciation for Kathy for taking the time to introduce the Somali's, the newest new members of this community through her articles over the years and for that Kathy we really appreciate that...everybody in the Somali community knows the work that you've done and it simply says "the Somali Development Center recognized Kathy Marchocki for outstanding coverage of the Somali community" July 19, 2005. Thank you so much, Kathy.

Mayor Baines asked would you like to say a few words, Kathy?

Ms. Marchocki stated I'll just briefly thank you very much and say what an honor it was to write these stories and to meet all of you. I have a great debt to Nasir because without his

help I would not have been able to tell the stories. Nasir acted as an interpreter for me and also introduced me to many of the Somali families and it was with his help that I could tell you were very inspiring to all of the incredible stories. So, I wish you continued success in Manchester. Thank you.

Mr. Yusuf stated in conclusion I also want to acknowledge one of my friends and a member of the Board of Directors of the Somali Development Center who has been with us since the beginning and has always been providing a tremendous technical and financial support to the organization and that's the Treasurer of the Somali Development Center Jama Abshir

Mr. Abshir stated thank you very much. There's not much I can say. I think you've heard of all of the stories. All we are trying to do is do what we've done previously. I'm also a refugee from Somalia...from the 80's before this war was started...we knew it was coming and we were very thankful for the United States government for welcoming us and accepting our asylum prior to the big bang that happened in '91 and we appreciate the help of the people of America and now we're trying to make sure that our people and make sure they assimilate in this culture that we have so far done well and we need your help. Thank you very much.

Mayor Baines stated first of all I want to thank Kathy and *The Union Leader* for really a spectacular series of articles. When Kathy first contacted me when some of the issues were emerging around refugees we had a long talk about this issue and the sensitivity of the issue. She approached this with great sensitivity, compassion and understanding and recognition of the great hope that America provides for people such as the Somalians who come from some of the most horrific conditions in the history of mankind. Coming to a place that is welcoming for them and we've talked many times about how we can help build this community, strengthen this community using some great examples. I always use the examples of the immigrants that came here a hundred years ago...the refugees that came here and the great communities that have been established and Kathy those series of articles enlightened our community and really presented Manchester as really a beacon of hope for people coming from all over the world in search of the American dream. It's been an honor to work with this group of individuals and I've been working with other refugees that have been coming to Manchester and the most important thing we could do is say welcome as we provide you with the opportunities to achieve the American dream that we have helped achieve for our own children and our grandchildren and I know that the Board of Mayor and Aldermen and the citizens of Manchester are committed to working with you to strengthen your involvement in our community and someday people from your country will be sitting here making decisions on behalf of the City and that's the great news about what you represent for our community, for our country, that great hope, that great American dream that is now within your grasp. Congratulations and welcome to Manchester, welcome to a place that we hope is your hometown for your children and grandchildren. Thank you very much.

Mayor Baines stated there are other announcements that I've been reminded of...on September 12, 2005 at the Derryfield Country Club the 3rd Annual Golf Tournament to benefit the construction, refurbishing, furnishing and programs for Manchester's Bill Cashin Senior Activity Center will be held. Again, we have applications for people who want to participate and put together teams for this golf tournament, it's been a very significant fund raiser, it's being coordinated by Attorney Bob Raiche under the close supervision of Attorney Dave Nixon who is spearheading this effort. Again, we have applications available here at City Hall to people who might be interested. In addition, you received a copy of a press release that we released today talking about the City will be receiving an additional \$10 million in increased School Building Aid as a result of a concerted effort by our office, the Office of the Mayor in consultation with our legislative delegation and I want to specifically thank the sponsors of the bill Senator Lou D'Allesandro, Senator Andy Martel, Representative Jim Craig and with the help of Senator Gatsas who was very critical in the wording of this legislation which allowed Manchester to be treated fairly in the cooperative agreement that it's reached with all of the sending school districts, it's Senate Bill 38 and it was the process that followed the negotiations and contracts between the sending school districts and the City and allowed for the renovations and improvements in all of our schools. This is going to represents the new law makes long-term contracts of 10 or more years which are requirements for payments of capital projects which call for educating at least 70% of the public school students at a given grade level in another school district qualified for multi-district School Building Aid. The result of that will be an approximate \$10 million in additional aid to Manchester and the surrounding towns as we complete this very significant project. Again, Senator Gatsas and colleagues and Senator D'Allesandro, Senator Martel and Representative Craig thank you for pushing forward and helping us pass that very important piece of legislation.

Mayor Baines stated now a presentation by members of The Hands Across The Merrimack Committee. I guess the one and only Helen Closson is coming forward and Attorney Bob Dastin. Before they begin to speak I want to remind people about the project and the long journey that we've been on with this project. Actually, this project started I think in 1998 or 1999...Tom Schwieger could remind me about that time. When the visioning of the Riverwalk and what the old trestle bridge could mean to the redevelopment and the creation of great pedestrian walkways and the Rails to Trails Program and also reclaiming the river for our City and I know Helen came on board and had tenaciously working to get us over the finish line so that we can break ground on that very significant project. I was down the river this afternoon viewing progress on Eric Chinburg's project with the condominiums and the great view that it's going to afford people who live down there when they look up the Merrimack out of their condominiums. So, Helen, thank you on behalf of the citizens of Manchester and the Board for your tenacious efforts in regard to this great project.

Ms. Helen Closson stated thank you, Mayor Baines. I want to thank you and the Board for allowing us another opportunity to present an update on our project. As you know it is the transformation of the old trestle bridge as one comes into the City. It will be converted into a really stunning pedestrian and bicycle bridge and that will link the east and the west sides of our community, which I think is quite exciting. Not only that but the design will resemble the old Notre Dame Bridge and I think a lot of people have missed that greatly. We're very excited at the progress we've made and we're anxious to share that momentum with you and want to thank you for your past support. This project has meant a great deal to me. I have been doing it for four solid years and I think it pretty well worth all of the effort and time we're putting into it. We have a great Board that is working equally as hard. In the interest of time I would like to turn this over to Bob Dastin one of our Board members who will make the presentation. Thank you.

Attorney Bob Dastin stated good evening, Mr. Mayor and Board of Mayor and Aldermen. I serve along with several other members of the community on a committee actually it's a not-for profit corporation called Hands Across The Merrimack, Inc. and Bob MacKenzie has been kind enough to put up, I hope, a replica of...okay...well, let me make a few brief remarks if I could. The purpose of our appearance here this evening is to share with you some very good news, which comes from the Singer Family. I think you're all aware of the past generosity from the Singer Family and the generosity that they've shown to this City among which are Singer Family Park being but one example. Well, they've stepped up to the plate again. Several months ago we approached the family, the financial assistance and rehabilitation of the trestle bridge that we all know a little something about...I think you all know the location of it...and I'm pleased to announce to you this evening that the Singer Family Foundation has pledged a quarter of a million (\$250,000.00) dollars towards the construction and maintenance of the bridge. Steve Singer is here this evening representing the Singer Family and the Foundation and I think again it would be appropriate for Steve to rise and acknowledge our thanks and gratefulness, Steve. As a token of our appreciation we have agreed subject to this Board's approval to naming the bridge "Singer Family Crossing" and it's really that portion of the bridge which emulates the old Notre Dame Bridge on Bridge Street as Helen referred to earlier and it's only that portion of the trestle bridge that will bear the name "Singer Family Crossing" and we're delighted that they've agreed to allow us to do that subject to your approval, of course. We've worked closely with several members of City officials in getting us to where we are tonight including among others the Mayor, Kevin Clougherty, Bob MacKenzie, Tom Clark and Frank Thomas and on behalf of the committee I'd like to thank them for their invaluable assistance. We are most anxious to get out to bid so that construction can start as soon as possible. Despite the fact that we're \$200,000 short in our goal of \$2.3 million fund raising continues with a great deal of effort and alacrity and we hope that the community will step up within the next few weeks to achieve our financial goals. Hopefully, the Singer Family gift, which I just, announced will spur business and individuals in Manchester to make a tax-deductible contribution to the

effort. Two-year pledges will be accepted and you can send your checks to me at 1000 Elm Street or to Helen at 300 River Road.

Ms. Closson interjected we actually have a post office box.

Attorney Dastin stated or if you'd like the post office box, what's the number, Helen?

Ms. Closson replied PO Box 383, Manchester, NH 03105.

Attorney Dastin stated it's been said by a number of people that the City is experiencing a renaissance, a completion of this bridge uniting the east side with the west side will be another illustration to the City, its residents and the State of New Hampshire that Manchester is alive and well and vibrant. I would urge this Board to take such action as is necessary to name the bridge over Interstate 293 "Singer Family Crossing". And, I thank you for your attention and we'd be glad to respond to any questions you might have.

Mayor Baines asked are there any questions from members of the Board?

Mayor Baines stated I would like to add two comments to that. I know Mr. Dastin and I have made so many trips up to Merchants Motors up in Hooksett...I was there the other day and somebody asked me if they could trade their car with me. This has been a great project for us to work with and the Singer Family who have been on board for a long time working with us to make sure we had the type of agreement that recognized the significant contributions that the Singer Family has made in our community. For those of us who have been in Manchester as long as most of us have been here know the Singer Family has been known for decades and decades for their generosity and commitment to the family and the inspiration that Steve's mom and dad have made through the years and the example that they set once they started doing business in Manchester...Steve, on behalf of your entire family that I've met many times now and we walked down probably the foggiest day in Manchester...we couldn't even see the bridge...but, we had the vision of what this could represent for our great City, so on behalf of all of us thank you very much for continuing to give back to the community...thank you very much.

Alderman Lopez stated I remember the committee coming before this Board and asking for naming rights if they went out to come back to this Board with the naming rights. I, therefore, would like to move that we accepting the naming rights of \$250,000 from the Singer Family and call it the "*Singer Family Crossing*". Alderman Gatsas duly seconded the motion for discussion.

Alderman Gatsas stated I have no problem with the naming rights and I certainly respect the Singer Family and how they come forward. I don't have a problem with naming it the "Singer Family Crossing", however, I am still opposed to the project, so I will leave it at

that. I don't have a problem voting for the naming rights of the Singer Family but I am still opposed to the project.

Mayor Baines asked did you want me to have Alderman Roy second the motion then?

Alderman Gatsas replied this is about naming it and I don't have a problem doing that.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried unanimously.

Ms. Closson stated thank you very much it's really appreciated. Before I left my house tonight somebody dropped off a thousand dollar check for the bridge, so there is a lot of enthusiasm.

Mayor Baines stated also so that you will know I will be having a series of breakfast meetings over the next few weeks...we're in the process of organizing with leaders in the community to try to get us over the finish line.

Ms. Closson stated we thank you so much for all of your efforts and all of you. I can't thank you enough. This means a great deal to us.

Mayor Baines stated I can't wait to do a stroll across the bridge with you.

Mayor Baines stated the next item is a presentation of the report of the Mayor's Commission on the Office of Youth Services...Joe Diamant please come forward along with Peter Ramsey. As you know I put together a commission several month's ago to do the first real comprehensive review of the Office of Youth Services in a long, long time and put together a very dynamic and very diversified group of individuals with input on youth in our community. Put in on the committee was Alderman Mike Garrity, but again Joe if you could give your report...thank you for your service.

Mr. Joe Diamant stated Mr. Mayor and members of the Board of Aldermen it's my pleasure to present the Commission's report to you. I want to start off by thanking all of the Commission members for their diligence and hard work. I think you have the benefit of the input of an exceptional group of people who care about young people in the City a great deal. This report is brief, it summarizes many pages of minutes from our meetings but in order to have people pay attention to it and read it we wanted to make sure it was precise and to the point. What I will offer as the report does is a general overview, I will speak to the core elements of a 5-year plan that we're recommending for the office and some recommendations regarding space needs. This presentation will be very brief and I assume all of you have copies of the report, if not, I have some additional ones. Are copies

available, okay, thank you. Manchester can be rightfully proud of the staff of this particular office. I've been in the kid business in New Hampshire for nearly 30 years and I can honestly tell you that I don't know of any agency that has as much training, certification and credibility in working with young people...particularly, troubled young people as you do in that particular office. So, you can be legitimately proud of that office's abilities. We think that office...if it suffers from anything it's not from staffing, it suffers from lack of visibility and knowledge. So, one of our recommendations is that there be an effort to make sure everyone in this community knows of that office and the ability to take advantage of its services. We recommend that this office continue to provide both direct services and what we're referring to as indirect services and by that we mean that it serve the convenor of everyone in this community that works with kids periodically to make sure that there is agreement around priorities, come up with some policies and make policy recommendations jointly rather than disparately and competingly. We also recommend that the office ought to invest further in its staff that there is new and emerging research about ways to interact with young people and proven scientifically based methods of resolving some of the problems that they present and that the staff be continued to be trained and professionalized in that area. We also recommend strongly that the office be seen not only as a place that helps kids who have problems but also uses the talents and views young people and the community views young people as resources and assets so that the office also becomes a place where young people can be seen as providing service to the community and to their nation not just receiving services for problems. We recommend that the advisory board to this office which does appear in city statutes be formalized and be put into place so that it can advise the director of the office and the Mayor on a regular basis and review the plan that we're recommending, if adopted, on a regular basis. The 5-year plan is based on a mission statement that was developed initially by the staff of that office and reviewed and endorsed by the commission and it appears in the letter...I'm not going to read it to you in any great detail. I do want to focus on the four deliverables or key results in the 5-year plan that we're recommending and pending your approval or whatever the formal process is for the City then the staff can get to work on the details of implementation. We recommend that a readily accessible youth center be established with a focus on service to the community where young people are an asset and not a liability. We recommend that the alcohol and drug abuse juvenile justice and other direct services that have been provided with exceptional merit continue to be provided. We recommend that not only should the office be seen as a place for young people who need assistance but also anyone who parents them and we specially are using people who parent teenagers aren't just parents of teenagers because as we know oftentimes teenagers are being parented by neighbors, friends, relatives...not necessarily their biological parents...anyone who has teenagers to deal with whether they're in difficulty or not should be able to turn to this office for advice or consultation. And, we also want the convening of other services in the community to occur with an outcome driven focus rather than just what we refer to in our meetings as a coffee klatch...meetings ought to be focused, they ought to be problem oriented and they ought to be data driven and they ought to get everyone in the City working on the same problems if they can at the same time. As to

physical space and I apologize I didn't introduce...as most of you know Peter Ramsey chaired the physical space committee on our commission and Gail Garceau chaired the committee on the advisory board she had a business commitment tonight that she could not avoid...the physical space recommendations are basically as follows: we recommend...it was a unanimous determination that the current physical space is inadequate and inappropriate. We recommend that there be a stand alone facility, that it be centrally located where people can get access to it reasonably somewhere in the heart of the City, we didn't want to say a specific neighborhood or street but centrally located. We are aware that budgeting and bonding limitations may have to delay the creation of this site but we recommend that the City look at interim measures, if necessary, but that it plan on doing so when those limitations are no longer with you. We recommend approximately 5,000 square feet for the current services and an additional 2,000 square feet for the youth center...the non-remedial part of it so that when parents come in for parenting classes or young people come in to get engaged in some community activity they be in the same place. The advantage of doing that in the same place is that people coming to the center are not going to be seen as necessarily in trouble, they won't be easily able to differentiate between young people coming in there for services because they're in trouble and people coming in there because they want to help the community. The idea is to turn every young person into an asset to the community. We also recommend that the Mayor appoint a board and that it's operating procedures and rules be consistent with the City Charter...that's the extent of our recommendations to you and we'd be happy to answer any questions.

Alderman Gatsas stated thank you, Joe, for the work you've done. I've worked closely with you at the YDC and the new building that we have there and I know that when we went down the road about space when I first went over to take a look at the space that the Office of Youth Services is in I came back and made a pretty loud objection that no child should be in an office with no windows...that was probably 8 or 9 months ago, so I'm glad that you came back with a report that says no child should be in an office without windows...my suggestion was that they should have moved the offices to the front end of the building where they have those beautiful conference rooms that I don't know if they're used once, twice or three times a year but certainly it should be a spot that kids that have a problem can be captured and helped. But, you can't help them...when I walked into six offices and there wasn't a window...barely enough space for the child and whoever was going to see them let alone the parents going in. So, I appreciate this report that you've done and I think that that's one of the things that should seriously be looked at and this Board should be doing very quickly.

Mayor Baines asked Peter do you want to address the Board?

Mr. Peter Ramsey replied thank you, Mayor. Senator, thank you for saying that. Our committee was made up of very dedicated City employees and City residents. We met maybe 7 to 10 times and first off I'd like to thank Joe Diamant...for those of you who don't

know Joe Diament is probably the most highly respected person in the State of New Hampshire that has dealt for years with children and nobody more highly respected...he was at every meeting and he worked hard. The other individual that you all should thank and who was an incredible member of the committee and also worked very hard was Alderman Garrity. He did a great job, he's very supportive, very knowledgeable but it became clear to everyone...number one that and I did not personally know this that in Manchester we're doing it right with kids. CHINS petitions which is the mark of children getting in trouble with the law has gone down for three years in a row in Manchester...we should be proud of that, you should be proud of that, you've done a great job collectively but we can do it better and that clearly, Senator, it's inappropriate for someone to bring their troubled child to a space that's inappropriate, that is too small, there's no private holding area for the child...these are the kids that need help the most. If we help them at that point we keep them out of jail. It's critical that we do something and we need to work together on it.

Alderman O'Neil stated I had the opportunity to attend their very last meeting and I do want to thank Joe and his committee for all of their hard work and I throw this out to Joe or to Peter. The reality of the physical space is nothing is going to happen quickly because of other commitments that we're in to. Did the committee have a chance to take a look at an interim plan regarding the space like the possibility of decentralizing, we do have a number of facilities, city facilities around the city where these services could be provided until a new facility was built...did you get into that at all?

Mr. Ramsey replied that's a very good question. Alderman Garrity and I did look at rental space...we came up with a list...there is currently a list of rental space...we did not want to be presumptuous enough to tell you what to do. We simply wanted to come back to you and point out the problem and it's a major governmental decision what we do with this. It's important that we answer the problem.

Mayor Baines interjected just on another note, Alderman, I appreciate your comment...Alderman Garrity and I have had several conversations about looking at various options that might be available with long-term goals.

Alderman O'Neil stated I guess I'm thinking more specifically partnerships we have with the Housing and Redevelopment Authority, we have a youth center up on Maple Street run by Parks and Recreation, we have the PAL Center and I'm sure I'm missing some...there are many throughout the city. Was there any discussion about the interim basis partnering with those agencies to help deliver these services?

Mr. Ramsey replied yes. We talked with every one of those and I think the consensus was that the staff deserves a professional space on a long-term basis. There are short-term answers to this. For example, PAL has a nice space...downtown...they have parking across the street, it would not be a bad interim space but I don't believe the staff...if we're asking

these people to work long hours for short money and to take care of our children we deserve to give them top flight space...everyone agrees on it, it's a problem we need to address.

Alderman Garrity moved that the report be referred to the Committee on Community Improvement.

Mayor Baines stated we can do that but I think Alderman Gatsas had a follow-up comment.

Alderman Gatsas asked what are the possibilities and I know you've been in that building a few times...why not for an interim as Alderman O'Neil was talking about moving the space to the front of the building where the windows are, we own that building, there's probably 5,000 square feet that would accommodate the space and it would be a little bit of a different fit up but at least it would be a space that's not a closet?

Mr. Ramsey replied as the Chairman of the sub-committee I agree with you 100%. I think it's a shame that we're not utilizing a lot of that conference space for the day-to-day mission of taking care of kids but I think that's an internal bureaucratic decision that someone besides our committee could make and I think also Alderman Garrity was concerned about that also but again I don't think it was our job to interact with the people who work over there full time.

Mayor Baines stated why don't we take the motion from Alderman Garrity and then we can have some discussions at committee level.

Alderman Shea duly seconded the motion to refer the report to the Committee on Community Improvement.

Alderman Gatsas asked why don't we send it to Lands and Buildings?

Mayor Baines stated why don't we send it to CIP initially and then if there's some additional referrals we can do that because there's a money issue.

Mayor Baines called for a vote on the motion that the report be referred to the Committee on Community Improvement. There being none opposed, the motion carried.

Mayor Baines stated can we have all the people representing the Office of Youth Services stand so we can recognize you and thank you publicly for all you do on behalf of the youth in the City.

Mayor Baines stated I will now call upon Alderman Shea for a point of personal privilege.

Alderman Shea stated as Chairman of the Board of Aldermen I would like this opportunity to extend our thanks to Betsi DeVries for her work in the State Legislature and in a very special way to Ted Gatsas. Ted your unyielding efforts in having the State Senate, the House of Representatives and the Governor accept your education funding plan is in my judgment a rare and remarkable achievement. Truly in hockey lingo a “hat trick”. Thank you very much for all of your hard work and the many hours, Ted, you spent in this effort and we appreciate that as a Board. Your Honor, let me thank you for your letter of June 23rd outlining our options on State Education Funding. What you did was responsible and helpful for the Aldermen as we begin our discussions on how best to use the unexpected revenue from the State. While others have started petitions we have engaged in a thoughtful analysis of what is in the best interest of the taxpayers. I believe we know what the responsible thing to do with the money is. Your Honor, as Chairman of the Board of Aldermen, I am making the following motion...that any additional State revenue for schools over the \$44,675,209 that it be applied in the 2006 budget by this Board and will be applied to the tax rate when it is set in the fall.

Alderman Porter duly seconded the motion.

Alderman Gatsas stated thank you for those kind remarks, Alderman, I appreciate that and I certainly am not in disagreement with your motion...I was wondering if you would accept a friendly amendment because I think that amendment should say something to the effect that any additional revenue that we won't support spending because the School District must come to us for the authorization of spending. They can't spend it but we can...but the motion...but there can be an adoption of a different motion that allows them to spend even some of this \$10 million that's coming so I would think that this Board would take a vote that says no additional spending would be allowed at the School District on any additional revenue.

Mayor Baines asked Mr. Clougherty would you please advise? They can't engage in any additional spending anyway without authorization from this Board.

Alderman Gatsas interjected that was my amendment.

Mr. Kevin Clougherty, Finance Officer, stated that's right. I don't think what Alderman Gatsas is recommending is a prohibition, it's more of a directive or a friendly message it sounds like to what the position of the Board is. Obviously, the Board of Mayor and Aldermen is the appropriating body of the City and any expenditure has to come through this Board.

Mayor Baines stated I'm just trying to determine what's the purpose of the amendment.

Alderman Gatsas stated it's just a friendly amendment to go along with Alderman Shea where he's at to send the message that we aren't going to appropriate any additional spending on the School side.

Mayor Baines stated okay now I understand.

Alderman Osborne duly seconded the amendment as outlined by Alderman Gatsas.

Alderman Roy stated with the friendly amendment asked would that impact any of the grant funds that the School District receives on their own?

Mr. Clougherty replied as I understand it what Alderman Gatsas is saying is that with respect to the general fund and not to any of the other grant programs.

Mayor Baines stated that's the intent of that motion for the record.

Alderman Guinta stated before we vote on the amendment can we just hear a clarification from Alderman Shea...is it your intention...

Mayor Baines interjected we're just on the amendment now we can get clarification as backup.

Alderman Guinta stated in order for me to understand the amendment I need to understand the original motion. Are you saying that any additional funds over the \$44 million and change would be used to reduce the tax rate, is that what I'm understanding you're saying.

Alderman Shea replied yes that is what I said.

Alderman Guinta stated I just wanted to make sure I understand.

Alderman Shea stated that's the only way...

Mayor Baines interjected it comes in as a revenue.

Alderman Shea stated that money that's over and above would be used to reduce the tax rate and I believe it will reduce the tax rate to maybe 1.52 or 1.5 which is probably the lowest in New Hampshire and probably the northeast and in the United States maybe.

Alderman Lopez stated I just want to make sure I completely understand it. I presume that you're speaking about the \$10 million increase in School Building Aid, is that correct?

Alderman Gatsas replied I'm talking about any additional revenue.

Alderman Lopez stated any additional revenue regardless.

Mayor Baines stated wait a minute now. The clarification we had that your amendment was just dealing with the grant issue.

Alderman Gatsas stated I'm dealing with any additional revenue that we as a Board will apply...federal grants, we don't see them anyway, your Honor, they never come to the budget side...there's an additional \$15 million of spending that this Board never sees.

Mayor Baines interjected it's all authorized.

Alderman Gatsas stated not by this Board.

Mayor Baines called upon Mr. Clougherty.

Mr. Clougherty replied maybe it would be helpful if I explain the tax rate setting process so everybody understands and recollects what happens. With respect to the School District just as with the City the Board of Mayor and Aldermen and the tax rate setting process adopts resolutions. You as a board of directors, as the corporation provide the spending authorization. So, you appropriate the spending levels. Nobody can spend anything that you don't appropriate. There are MS forms for appropriations that will be certified by the City Clerk, signed by myself under penalty of perjury that these are the spending authorizations up through that point in November when we set the tax rate. There are other forms that relate to revenues...those revenues are what are projected by the School District and on the City side by the Mayor as the Chief Executive Officer and the Finance Officer. As we've always talked to with the Board you have to be aware that the tax rate setting process has a couple of different components...it has one that deals with revenue...the MS form...and generally the MS revenue forms don't change from what's considered by the Board the budget process. The other set of forms is the valuation forms that are submitted by the Assessors...it's the combination of those three items that are considered by the DRA (Department of Revenue Administration) when they set the tax rate. The DRA in the case of this new additional funding will adjust the grant amount that's received by the City. So, for example, if the School District were to just include the number that was included in the projections when the resolution was adopted back in June that number is going to be changed by the Department of Revenue Administration. So, if there is no additional expenditure authority from the Board to use those dollars and if there are no revisions by the School District and its other revenues then it's just going to flow to reduce the tax rate...whether the Board takes an action or not.

Mayor Baines stated again I always remind the Board that we do not set the tax rate it's set by the Department of Revenue Administration based on the forms that are submitted by the School District and the City of Manchester that Mr. Clougherty has just described.

Alderman Lopez stated I just want to make sure that we're not scrapping ourselves because there is a study for all the schools in the City of Manchester to upgrade them and if we're saying any revenue I would like to have an interpretation from the City Attorney as to whether or not that would strap us from doing any repairs to some of our grade schools.

Mr. Clougherty stated the only point I would make with respect to the revenues is as this Board recalls when we did the bond issue for the school repairs \$100 + million we did that as a revenue bond and we did earmark certain dollars coming from the State in terms of improvements there. So, we would like to make sure that just being aware of this today that we're not somehow going afoul of what we've agreed to in those documents with the bond holder.

Alderman O'Neil stated can I ask my colleague from Ward 2 what do we accomplish by this friendly amendment. I really don't understand what it does at the end of the day.

Alderman Gatsas replied I think Mr. Clougherty explained it well. I think that it says we aren't going to appropriate spending at the school side.

Alderman O'Neil stated that's not what he said.

Mayor Baines stated I just don't understand the merits of the amendment at this particular point in time.

Alderman Shea stated all I'm saying is that any additional State revenue for schools over the budget that the school has that was approved in the 2006 budget by the Board will be applied to the tax rate. Why are we making friendly amendments, I don't understand it. I appreciate his work but I just...why don't we just leave it at that and then if during the course of time if there is something that comes up then we can make a judgment on that.

Mayor Baines stated I would recommend that the Board deal with the original motion but that would be up to the Board.

Alderman Roy stated I would like to touch upon why I support the intent of the friendly amendment we made that clear through our budget process that we were giving them an appropriation per the Charter and now this additional \$2.4 million is exactly the best case scenario that we looked for during the budget process to provide tax relief to the constituents of Manchester. So, we've appropriated our school budget, they're going to live within their school budget, now it's time to perform the tax relief.

Mayor Baines stated the Clerk will read the amendment and then we will call for a roll call vote.

Clerk Thibault stated as I understand it the amendment is that there will be no further appropriations to the School District.

Roll call vote on the amendment was taken. Aldermen Gatsas, Guinta, Osborne, Garrity voted yea. Alderman Sysyn, Porter, O'Neil, Lopez, Shea, Smith, Thibault, Forest and Roy voted nay. Alderman DeVries was absent. The motion failed.

Mayor Baines stated the original motion is back on the floor and the Clerk will read the motion. We'll have Alderman Shea read the motion.

Alderman Shea stated the motion is that any additional State revenue for schools over the \$44,665,209 that was applied in the 2006 budget by this Board will be applied to the tax rate when it is set in the fall. I'd like a roll call vote.

Alderman Guinta stated Alderman Shea if I understand this correctly. You'd like to take the \$2.4 million and cut the taxes.

Alderman Shea responded that's correct.

Alderman Guinta stated which is no different than what I've been talking about for the last month.

Alderman Shea stated we've all been talking about it, not only you but everyone else.

Alderman Guinta stated I'm glad that we are talking about cutting taxes, I commend you for that.

Alderman Gatsas stated I have a question of the Finance Director. If the revenues at the School District do not come in as they're suppose to as other elements such as tuition does this \$2.4 million get applied.

Mr. Clougherty replied if there's additional funds that come in and are guaranteed before the time that we set the tax rate...on the city side, for example, if we were to get additional funding we would include that as part of our revenue estimate and that would be used for the reduction of taxes. If it comes in after the tax rate setting process or if there's some question as to whether the estimate that was made in June is reliable they can make those adjustments. It's my understand that it's the School District that is responsible for the development of that part of the MS forms, the reporting of the revenues. Now, as part of the budget process they

gave you projections that in their best judgment were what they would reasonably attain. They may go back as they have in other years and adjust them based on circumstances that they become aware of subsequent. But, by and large it's usually close to the revenue projections that you looked at in June that are what we use to set the tax rate.

Roll call vote was taken. Aldermen Shea, Garrity, Smith, Thibault, Forest, Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil and Lopez voted yea. Alderman DeVries was absent. The motion carried.

Mayor Baines stated I'd like to pass this out...this was the headline in the Maine Sunday *Telegram* story about us that appeared about a week ago...two big stories about Manchester and also if you'll open it up to pages 6 and 7 there will be some others...there's a picture there you might not want to look at.

CONSENT AGENDA

Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept BMA Minutes

- A. Minutes of meetings of the Board of Mayor and Aldermen held on May 3, 2005 and May 17, 2005 (three meetings).

Ratify and Confirm Polls Conducted

- B. From June 29 through July 1, 2005 approving to proceed with the process For granting an access easement across the former NH Central Railroad bed to 534 Douglas Street and authorizing the Mayor to execute same subject to the review and approval of the City Solicitor and State of NH Department of Transportation. (Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, Garrity, Smith, Thibault and Forest voted yea. Alderman DeVries was unavailable.)
- C. On July 1, 2005 approving designation of the immediate block surrounding the Brown School (Amory, Alsace, Kelley & Joliette) a "City Target Area." (Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voted yea. Alderman O'Neil was unavailable.)
- D. On July 1, 2005 a majority of the Board voted to advise that their intention and understanding was that the resolution adopted March 15, 2005 provided for the transfer of \$18,000 from the City's General Fund Contingency to the Parks Department, and that the resolution did not provide for any transfer from the Parks and Recreation – Enterprise Contingency. (Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Smith, Thibault and Forest recalled transfer from General Fund Contingency. Alderman Guinta recalled transfer from P&R – Enterprise Contingency and Alderman Garrity was unavailable.)

- E.** On July 13, 2005 authorizing the Police Chief to apply for a U.S. Department of Justice grant in the amount of \$321,000 on behalf of the Manchester Police Department and Nashua Police Department for the COPS FY2005 Interoperable Communications Technology Program and further that the Manchester Police Department as the lead agency will be responsible for accepting and distributing the grant monies to both communities and enter into a Memorandum of Understanding between both entities.
(Aldermen Roy, Guinta, Sysyn, Osborne, Porter, O’Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voted yea. Alderman Gatsas awaiting additional information.)

Approve under the supervision of the Department of Highways

- F.** PSNH Pole Petition 11-1073 located on Cohas Road;
PSNH Pole Petition 11-1074 located on Bicentennial Drive; and
Verizon Pole Petition 9AAVWB located on Summerside Avenue.

Informational – to be Received and Filed

- G.** Minutes of the Mayor’s Utility Coordinating Committee meeting held on June 15, 2005.
- H.** Communication from David Smith, MTA Executive Director, advising of the installation of bus stop signs throughout the City, which is 80% federally funded by the Federal Transit Administration.
- I.** Minutes of the MTA Commission meetings held on April 26, 2005 and May 31, 2005 and the Financial and Ridership Reports for the months of April and May 2005.
- J.** Copy of a communication from Charles Schmidt, Chief of Design Services of the State of NHDOT to Thomas Seigle, Chief Sanitary Engineer, advising that the review of the estimate for the Resident Inspection Cost Amendment and Construction Administration Cost Amendment for the relocation of the West Interceptor North-2 sewer main is found to be acceptable in the amount of \$17,518.00.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- L.** Communication from Kevin Sheppard, Deputy Public Works Director, submitting the Storm Water Ordinance and Storm Water Rules & Regulations as required by the EPA’s Storm Water Management Plan.
- M.** Proposed ordinance amendment to Chapter 32: Boards, Commissions, and Departments, Section 32.092 Composition; Terms submitted by Michael Poisson, Chairman of the Conservation Commission.

COMMITTEE ON FINANCE

- N.** Resolution:
- “Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Twenty Eight Dollars (\$2,028) for FY2006 CIP 410706 NH DWI Patrol Program.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- O.** Recommending that the 4th quarter FY2005 write-off list for the account receivable module be approved.
- P.** Advising that it has accepted the City's Monthly Financial Statements for the eleven months ended May 31, 2005 submitted by the Finance Department, and is forwarding same to the Board for informational purposes.
- Q.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report all invoices for interdepartmental billings only;
 - d) open invoice report all invoices due from the School Dept. only;
 - e) listing of invoices submitted to City Solicitor for legal determination; and
 - f) accounts receivable summary.
- and is forwarding same to the Board for informational purposes.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- R.** Advising that it has approved Ordinance:

“Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements.”

and recommends that same be referred to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON COMMUNITY IMPROVEMENT

- S.** Recommending that a five-year lease agreement between the City of Manchester and the Manchester Community Resource Center for the building at 177 Lake Avenue be granted and approved, and that the Mayor be authorized to execute same, subject to the review and approval of the City Solicitor.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- V.** Advising that they have approved the expenditure of up to \$20,000 from the School Facilities Improvement Project contingency fund for the installation of additional sinks in school health offices at Central, West, Hillside and Southside.

COMMITTEE ON LANDS AND BUILDINGS

- W.** Recommending that the Board of Mayor and Aldermen approve temporary leasing space for 350 vehicles at the JacPac site to Catholic Medical Center for approximately 12 months during construction subject to conditions as follows:
- 1) Catholic Medical Center will be provided sufficient space on the JacPac property to accommodate 350 automobiles;
 - 2) Catholic Medical Center will provide evidence of comprehensive

- general liability insurance with a minimum limit of \$1,000,000.00 naming MHRA I, Inc. as a certificate holder;
- 3) parking shall be in areas designated on the attached site plan;
 - 4) Catholic Medical Center, at its own cost and expense will provide maintenance, security and snow removal as necessary;
 - 5) Catholic Medical Center agrees to pay MHRA I, Inc. \$15,750.00 monthly for lease of 350 parking spaces at \$45.00 per parking space;
 - 6) in order to reserve this space, until construction starts, Catholic Medical Center agrees to pay MHRA I, Inc. 10% of the monthly lease, which is \$1,575.00, each month; and
 - 7) the parties agree that if the Catholic Medical Center garage construction does not begin on or before March 1, 2006 thereafter either party may terminate this agreement upon thirty (30) days prior written notice. The agreement can also be extended with the written consent of both parties.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN GARRITY, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- K.** Communication from Kevin Urban, a Boy Scout with Troop 106, who is currently working on his Citizenship in the Community merit badge advising of his opinion that the \$2.4 million surplus from the state should be used to help students rather than reduce taxes and requesting a written response to his communication.

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to refer Mr. Urban's communication to the City Clerk for response.

Mayor Baines stated before I forget could we have the Clerk's office type thank you letters to all the members of the Mayor's Commission on the Office of Youth services.

Report of the Committee on Community Improvement:

- T.** Recommending that with regard to a petition to discontinue a portion of Auburn South Back Street, the Board find that the subject area of the petition and 50' beyond relating to Auburn South Back Street, having never been opened, built, nor used for public travel, be released and discharged pursuant to RSA 231:51. It is noted that this action is being taken on 150' of the street rather than the petitioned 100', thereby releasing the City's remaining interests in this street.

Report of the Committee on Community Improvement:

- U.** Advising that with regard to a petition to discharge Sweet Lane, the Board of Mayor and Aldermen acted on a petition on October 7, 1958 by laying out and then discontinuing that portion of Sweet Lane running from Gamache Street southerly 115', at a width of 30', and therefore recommends that the Board find the remainder of Sweet Lane having never been opened, built, nor used for public travel be released and discharged pursuant to RSA 231:51.

Alderman Gatsas stated we can take up Items T & U together. I was just concerned why these two went to CIP instead of Lands and Buildings because normally we've seen these

closures in Lands and Buildings. Is there a reason why they went or is this another finance issue?

Mr. Robert MacKenzie, Director of Planning and Community Development, replied the CIP Committee also included the old Transportation Committee. The Transportation Committee used to deal with public rights-of-way and that is why CIP now handles discontinuance's.

Alderman Gatsas asked are they going to handle them all or is somebody going to just pick and choose when they handle them?

Mayor Baines called upon Mr. MacKenzie.

Mr. MacKenzie stated I'm sorry what was the question.

Alderman Gatsas replied the question was are they going to pick and choose when they get the discontinuance's or are they going to take them all because I think the Chairman from Lands and Buildings should be aware of it.

Mr. MacKenzie stated Lands and Buildings has historically handled just city-owned property. Again, the old Transportation Committee was folded into CIP Committee and they have handled issues dealing with rights-of-way.

Mayor Baines stated so these issues have always been in CIP.

Alderman Smith stated regarding Item U there was some mistake and this was presented in March and because it's in my ward I did get a call from the lawyer and from the gentleman and what happened was somehow this wasn't processed in-house in March and April and asked if we could speed it up because they're waiting for this little parcel.

Alderman Roy stated I have no problem with the two parcels but there has been a practice in the past that paper streets have gone to Lands and Buildings. I can remember presenting in front of Alderman Cashin a number of years ago as Chairman of Lands and Buildings so if someone in staff could review that process.

Alderman Gatsas asked did we as a Board take our little bus ride to discontinue these. Was there a public hearing on them?

Deputy City Solicitor Arnold replied this is not a discontinuance, your Honor, this is pursuant to statute merely acknowledging that any public rights that may be in this right-of-way have been released because the street has, I believe, not been built or used for public travel for at least 20 years prior to 1989, I believe.

Mayor Baines asked can we please have a motion on this so we can at least get it on the floor.

Alderman Lopez moved to accept, receive and adopt the reports of the Committee on Community Improvement, referenced as Items T and U. Alderman O'Neil duly seconded the motion.

Alderman Lopez stated maybe Frank Thomas could clear this issue up.

Mr. Frank Thomas, Public Works Director, stated street discontinuance's and releases and discharges had always gone through the old Public Works Committee. The old Public Works Committee was folded into CIP...these petitions get referred to CIP, we comment to the CIP Committee regarding the action regarding the right-of-way...the sale of the right-of-way or the disposition of the right-of-way if it's going to be sold or given to somebody then would go through the Committee on Lands and Buildings. The issue that you referred to the South Bedford Street road hearing...

Alderman Gatsas stated that's not what I...

Mayor Baines interjected he's just talking about the fact that we go out on road hearings for discontinuance's.

Mr. Thomas stated they are typically initiated through the CIP Committee...where we're recommending that this particular action would have to have a public hearing and a road hearing...these are releases and discharges, they don't need to have a road hearing/public hearing.

Mayor Baines called for a vote on the motion to accept the reports of the Committee on Community Improvement, referenced as Items T and U. There being none opposed, the motion carried.

Report of the Committee on Lands and Buildings:

- X. Recommending that the Board of Mayor and Aldermen find property located on a portion of South Bedford Street at South Commercial Street surplus to City needs and that said property be disposed of through sale to Nicholas Bonardi, subject to conditions. The Committee notes that it finds cause to dispose of the property in such manner in that it has been determined that there is no known City uses for the parcel, and that sale of such parcel can only benefit this abutter.

The Committee recommends that such disposition be subject to consolidation of said parcel with Tax Map 274, Lot 7A; and further subject to receipt by the City of One Dollar (\$1.00) and that this property be developed in accordance with the plan submitted on June 28, 2005, enclosed herein.

The Committee further recommends that the City Solicitor be authorized to prepare such documents as may be required to carry out such disposition and that the Mayor be authorized to execute such instruments as may be required subject to the review and approval of the City Solicitor.

Alderman Gatsas stated this was a piece of property on South Bedford Street that came before Lands and Buildings...the motion moved to sell it to the abutter for \$20,000, the abutter accepted it and then it came back to committee and within a two-week period the value of the land went from \$20,000 to \$1.00.

Alderman O'Neil stated I don't believe what Alderman Gatsas said is completely correct. I don't believe that Mr. Bonardi ever said he would pay \$20,000 for that land.

Alderman Gatsas stated that was the value of the land that Lands and Buildings put on it with the Assessors and I think that the taxpayers were looking at \$20,000 went it left.

Mayor Baines asked could we have a motion on this please.

Alderman Thibault moved to accept, receive and adopt the report of the Committee on Lands and Buildings. Alderman Forest duly seconded the motion.

Alderman Guinta asked what's the situation here...is it \$20,000 or \$1.00? Can I get a little clarification on the value of this?

Alderman O'Neil stated if I recall the Assessors...it was assessed at approximately \$17-20,000, I believe...that doesn't mean that we sell it for that price. In my opinion, in Mr. Bonardi doesn't buy this the City is going to be responsible for spending money to do the improvements and then maintaining it.

Alderman Porter stated my thought process after the initial vote and I think that Alderman Gatsas is right when he says that the Assessors put it at \$20,000, however, it's kind of misrepresenting the fact that we think that the value went down to \$1.00. After we took it up as a committee I went down, I met with Mr. Bonardi...I took a look at the particular property...now, there may be some pieces of land that the Assessors have used as a comp that might have shown that a certain amount of dollars per square foot, however, what was not taken into consideration was the fact that the benefit to Mr. Bonardi was going to be two, possibly three additional parking spaces. The area that he would be utilizing for that is really of absolutely no use and when we're talking about a value we are not talking a market value because practically speaking it has no market value, it may have value called damages if somebody were to acquire the piece of property, however, the City of Manchester and this was a report that we received from the Public Works Director would have to spend approximately \$12,000 just to grade it, seed and bring it to a minimal condition to exist. That particular property is down in a very high profile area near the ballpark. In addition to

seeding it it then would have to continually be maintained by the City of Manchester. We certainly just couldn't let it grow and become weeds, it is a beautiful location as far as the ballpark...we want to put our best foot forward, we're looking at \$350,000 to \$400,000 condominiums in the area, we don't want a weed patch going in the middle of Bedford Street. Mr. Bonardi in order to utilize it for what he would like to do and increase two to three parking spaces is probably going to have to put in an additional \$25,000-30,000 of his own to get it to that point. My figuring for the dollar (\$1.00) was simply for the City to get rid of it...potential \$12,000 liability, get the property back on the tax rolls, have it into a condition that is respectable for the area and then have Mr. Bonardi have the responsibility of maintaining it as opposed to the City and that was my rationale...not the value but the ability to exchange that property, to let Mr. Bonardi have the headache...he may not even want it or need it...I don't know that's his prerogative but I thought that a dollar (\$1.00) to just get rid of that headache would have been beneficial to the City in the long run.

Alderman Thibault stated I would have to reiterate more or less what Alderman Porter has just said and what happened, your Honor, there was a \$17,000-20,000 value on it and then when the Highway Department told us it would cost about \$12,000 to take care of it, to bring it to that point and then we'd have to maintain it in perpetuity this is why Alderman Porter made that motion that we let it go for nothing and the committee agreed with it and we let it go...

Mayor Baines interjected it's one dollar (\$1.00).

Alderman Gatsas stated with all due respect, your Honor, Lands and Buildings voted that piece of property out at a \$20,000 value...it came to this full Board, it was a report that was reported out as a \$20,000 value, it was then sent back to the committee. That is when the Highway Department came up and told us and it wasn't Mr. Thomas so I'm not going to point a finger at him but a representative of his said it was going to be bid out to do the work...the Highway Department wasn't even going to do the work. So, with all due respect that \$20,000 figure was here before this Board and was sent back to Lands and Buildings. Mr. Bonardi asked for the Board to consider selling it to him. So, it wasn't something that we just decided to liquidate.

Alderman O'Neil stated I think I was the one that asked that it be sent back to the committee because at the time I think there was some misinterpretation of what usable land was down there. For instance, his driveway had to be extended but that was considered usable land for him. There's also, I believe, a 10-foot setback...Mr. Bonardi's here, Attorney Orcutt and I think I saw his engineer behind him...there's a 10-foot setback. I think after some clarification I think the Assessor's agreed that they didn't have a full understanding of the use of the property. There was no great amount of parking spaces created that was assumed the first time it was at Lands and Buildings...the net will be two to three parking spaces for Mr. Bonardi. There was also for some reason an assumption that he was going in the

parking business...that turned out to be false. So, I think a lot of things got cleared up and I think the committee did the right thing the second time based on all the facts that they did not have the first time.

Mayor Baines stated my judgment that all the facts are now on the table and would like to call for a vote...roll call starting with Alderman Gatsas.

A roll call vote was taken on the motion to accept the report of the Committee on Lands and Buildings. Aldermen Gatsas, Osborne, Shea, Smith voted nay. Aldermen Guinta, Sysyn, Porter, O'Neil, Lopez, Garrity, Thibault, Forest and Roy voted yea. Alderman DeVries was absent. The motion carried.

Alderman Roy stated point of order, your Honor. Just so there is no misconception that vote was to approve the report out of the committee, which also had the design of the property attached to it which would mean that Mr. Bonardi would spend the money...a design of the T. F. Moran Plan attached...this is a clarification.

Communication from Pamela Goucher, Deputy Planning Director, requesting the Board to declare the office of alternate member of the Planning Board held by Mark Isenberg vacant.

Alderman Garrity moved to declare the office of Alternate member of the Planning Board held by Mark Isenberg vacant. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Mayor Baines presented the following nominations advising that per rules of the Board these nominations will layover until the next meeting.

Planning Board:

Robert F. Martel to fill the unexpired term of Mark Isenberg, term to expire May 1, 2006.

Fire Commission:

Peter A. Morin to succeed William Houghton, term to expire May 1, 2008.

Conservation Commission:

Kathleen Neville to succeed herself, term to expire August 1, 2008.

Piscataquog River Local Advisory Committee:

Jane E. Beaulieu to fill the Manchester vacancy on the Committee.

9. Confirmation of the nomination of James G. Folopoulos to succeed Jenny Stephen as a member of the Personnel Appeals Board, term to expire March 1, 2008.

On motion of Alderman Garrity, duly seconded by Alderman Osborne, it was voted to confirm James G. Folopoulos to succeed Jenny Stephen as a member of the Personnel Appeals Board, term to expire March 1, 2008.

10. Confirmation of the nomination of Marty Gavin to succeed himself as a member of the Conservation Commission, term to expire August 1, 2008.

On motion of Alderman Roy, duly seconded by Alderman Forest, it was voted to confirm Marty Gavin to succeed himself as a member of the Conservation Commission, term to expire August 1, 2008.

11. Confirmation of the nominations of the following individuals to the Parks, Recreation & Cemeteries Commission as presented:
Steve Johnson to succeed himself, term to expire July 7, 2008; and
George “Butch” Joseph to succeed himself, term to expire
July 7, 2008.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to confirm the nominations to the Parks, Recreation & Cemeteries Commission as presented.

Alderman Lopez stated on behalf of Alderman DeVries who is absent due to a family emergency I’d like to place the nomination of Maureen Nagle as a member of the Manchester Transit Authority to succeed Julie Gustafson, term to expire May 2010.

On motion of Alderman Roy, duly seconded by Alderman Osborne, it was vote to close nominations.

Mayor Baines advised that the nomination will now layover until the next meeting.

On motion of Alderman Thibault, duly seconded by Alderman Sysyn, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

14. Report of the Committee on Finance was presented recommending that Resolution:

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Twenty Eight Dollars (\$2,028) for FY2006 CIP 410706 NH DWI Patrol Program.”

ought to pass and be enrolled.

Alderman Forest moved to accept, receive and adopt the report of the Committee on Finance.

Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

- 15.** Report of the Committee on Administration/Information Systems recommending that the Tax Collector be allowed to institute a 12-month pilot program to allow citizens to register their cars online, that the Tax Collector report back to the Committee on Administration at the end of the pilot program and that the City's check stock be utilized for this program.
(Note: communication from the Finance Officer advising that the Tax Collector and Finance requests using compatible laser checks rather than current stock.)

Mayor Baines stated I will call upon the Finance Officer to make this arguments.

Mr. Clougherty stated the EREG program is a State program, it's a good program. There was a thought at the end of the consideration of this at a prior meeting that perhaps the City's check stock should be used rather than what the State has designed for use with this presentation. We are recommending that the City's check stock not be used and that we go forward with the EREG as designed at the State and they use the State's recommended paper.

Mayor Baines asked Mrs. Porter would you like to come up and comment on this?

Ms. Joan Porter, Tax Collector, stated the use of the checks is correct...the only thing I would say with Kevin is it's not a State program. Interware is a vendor that we are going to be contracting with and Interware has a supply of checks. When we went to committee Alderman Gatsas has recommended we use the City's check and immediately after that meeting we went to the Finance Department and looked at the checks and realized that Interware's checks...there are two checks to a page and the software system will print the City check and then the State check on that one page. If we use the City's checks we were going to be wasting an entire sheet of paper above that check...the stub that we normally get with our checks now, we'd just be ripping that off and throwing it away, there'd be nothing written on it, it would be a waste plus it would be double handling whereas the two checks to a page was going to be more practical, easier to work...also, when they gave us the price they said 500 checks for \$37.00...I thought that was 500 checks, that was 500 pages. So, it's actually 1,000 checks that they're giving us for \$37.00...plus if we bought more...though we didn't have the pricing but if we bought more than the 500 it was even cheaper than that. So, it came out to be more practical to use the checks that Interware is selling us because we also don't have to pay for Interware to reprogram to compensate for the City checks. In the long run it seems cheaper to do it this way.

Mayor Baines stated so the recommendation...I would need an amendment to support the Tax Collector and Finance Officer and be reflective of using compatible laser checks.

Alderman Lopez moved to amend the report as outlined by the Tax Collector and Finance Officer. Alderman Forest duly seconded the motion.

Alderman Gatsas stated the other question I had was the security of using the City checks versus their checks.

Ms. Porter replied Kevin can address it...I'm not sure how they were going.

Mr. Clougherty stated our check stock is for payables. When we're running payroll or we're running vendor checks it's a City of Manchester check and we've taken a lot of precautions as you know and the design of those checks for antifraud and thing of that nature which is why our checks are \$55.00 per thousand. These checks that we're talking about actually will be electronically generated checks for individuals making payments. They won't be a City of Manchester check...if you were going to use the system it would be a Ted Gatsas check that you're authorizing. So, we're reluctant to use our stock that is a payables check for something that we're going to have as a receivable...we'd have to redesign a lot of the check stock and that would be an additional cost and would, I think, put at risk some of the precautions that we've put into our check stock.

Alderman Gatsas stated so what you're telling me, Kevin, is your check is not a blank sheet of paper, it lasers everything on it, it's actually a check.

Mr. Clougherty replied yes. And, that is why this is cheaper because we're really just getting the information and running it over and it's much more efficient.

Alderman Gatsas stated maybe it's time we get Finance into the 21st century.

Mr. Clougherty stated we have ours because we do use lasers on ours and we do use it for different purposes.

Mayor Baines called for a vote on the motion to amend the report. There being none opposed, the motion carried.

Alderman Shea stated so often, Joan, today we here about different things being done with hackers and stuff like that. If in fact there is some sort of criminal activity is the City going to be libel...how is that being worked out...possibly, it won't happen but again obviously the more technology we employ the greater the risk as far as the bad guys out there kinda creating problems for us.

Ms. Porter stated my understanding is that Information Systems has looked at the software and there is a secure server where the information doesn't reside but passes through...this is the way it's been explained to me...because the State was concerned about anyone holding

onto this information for privacy purposes and the way they explained it was it's a pass through of a secure site. We've had City Solicitor read the contract and we had Information Systems go over the program and it actually will be Information Systems who signs the contract, not me. So, they're going to go over it again and they'll go over it again with the City Solicitor's again.

Mayor Baines called for a vote on the motion to accept the report as amended. There being none opposed, the motion carried.

16. Report of the Committee on Lands and Buildings, if available.

There was no report of the Committee on Lands and Buildings presented.

17. Proposed amendment to the Manchester City Charter previously submitted by Mayor Baines providing for the deletion of Section 8.05 Incompatibility of Office and replacing it with a new Section 8.05 Incompatibility of Office.

“Shall the municipality approve the charter amendment reprinted below?”

§8.05 Incompatibility of Office.

- (a) No elected city official shall be employed by the city or by the school district until one(1) year has elapsed from the completion of the term for which the official was elected.
- (b) Acceptance of an elected office by a city or by a school district employee shall result in termination of employment.

This proposed amendment having had a public hearing, Alderman Garrity moved to order the proposed charter amendment question to the November 8, 2005 Municipal General Election ballot. Alderman Gatsas duly seconded the motion.

Alderman Porter stated one part, your Honor, which I did bring up at the last meeting that is not necessarily a make or break for me is the one year that time has to elapse. I think there could be certainly well intentioned Aldermen and School Committee Members that may either resign and later on an opportunity comes up with employment to work for the City or the School District and I just think that because we serve as Aldermen or School Committee members that I don't think we should lose our rights as a citizen once we are no longer there. I do believe the intent was not to be able to have anyone serve or resign and then get a job immediately while that particular term that they were elected for is still running. So, I guess my question would be would it be possible to amend this and remove the year requirement without going back to a public hearing.

Mayor Baines responded no and we have explored that because a number of Aldermen have approached me on that issue. If you wish to amend it, we would amend it this evening and have a public hearing prior to the August Board meeting to comply with the requirements

and we could vote at the August meeting to refer it to the ballot and still meet the requirements.

Alderman Porter moved to amend the Charter question to eliminate the one year has elapsed so it would read “no elected official shall be employed by the City or by the School District until after the completion of the term for which the official was elected” and refer the amended question to a public hearing on August 2. , 2005. Alderman O'Neil duly seconded the motion.

Alderman Guinta asked would that change...would that amendment change the question to what the current law states?

Mayor Baines answered yes. The dispute over the term just for clarification really goes back to the wording we had prior to 1996, which stated until the completion of the term to which the person has been elected. It said before completion of term. The dispute with the lawyers was it didn't say the term. This would preclude the two situations that have recently come up.

Alderman Guinta stated the amendment would.

Mayor Baines answered yes.

Alderman Guinta stated I am uncertain that that is true. I thought that the current law...I thought that this was trying to further clarify or define a term.

Mayor Baines responded you are correct and I think the best thing...if somebody could find in the Charter what it says right now I think it would become clearer to you because the dispute was centered around wording whereas this wording does put both interpretations where I would have preferred they were.

Deputy City Solicitor Arnold stated Section 8.05 of the Charter states that “no elected City official shall be employed by the City or School District during the official's term in office.”

Alderman Guinta stated so you are just saying until the term has lapsed.

Mayor Baines answered that is correct...that would clarify...both attorneys would have been on the same page if that had said that.

Alderman Guinta stated the term is clarified not by the time you are serving but the period of time, which is a two-year term.

Deputy City Solicitor Arnold answered yes.

Alderman Gatsas asked is there a possibility just to accommodate those people who may feel like Alderman Porter...is there any way to send both of these to a public hearing and then see where the public weighs in and then just put one on the ballot?

Mayor Baines responded the City Solicitor just said no.

Deputy City Solicitor Arnold stated under State Statute you can't have alternative versions of the same rule change so no, State law would not allow that.

Alderman Roy stated I think if I could go further with what Senator Gatsas was saying if we have a public hearing on the amendment and people come out against the new language, since we have already had a public hearing on the proposal then that could be sent or we could vote that evening to send this original to the voters.

Mayor Baines asked would the City Solicitor agree with that?

Deputy City Solicitor Arnold replied I am sorry could you repeat the question.

Alderman Roy asked if we vote tonight to send the amendment to public hearing we can then at our next regular meeting either accept the amendment if there is no public outcry or accept this language because we have already had the public hearing for this language this evening.

Deputy City Solicitor Arnold replied yes I think you could probably do that.

Alderman O'Neil stated I have a few points. I just think back to some things that have happened in the history of the City. Number one, prior to a change I believe in State law two Aldermen became department heads in this City and both served this City very well for a long period of time. Bill Lynch was with the Board of Assessors and Joe Acorace as the Finance Officer. I just bring that up because there are good people that serve as Aldermen or School Board members and may be good City employees. I also think about Alderman Andy Verville here tonight where twice he became Mayor as an Alderman for a period of time. How does that effect it here? It doesn't say that tough, it says employed by the City...the Mayor is employed by the City.

Mayor Baines stated I believe the State Statute now says that if the Mayor leaves office the Aldermen appoint a replacement that cannot be a sitting Alderman. There is an actual law.

Alderman O'Neil stated I just think and God forbid it ever happens here but it does happen in cities around this country where...and I will use the Fire Department as an example but if for some reason there was going to be a change in state law and their retirement and the four top people decided to retire tomorrow...you know we had John Lydon serve as an Alderman for

one point and maybe there might need to be somebody who can fill in on an interim basis. I just think we are creating something...there is not a problem. There was one particular problem at the School District and we are changing the Charter to address one problem. Now I have been here for 12 or 14 years and it has never been an issue. I just hate to see us restrict ourselves when something may happen down the road. God forbid it ever does. That is just my two cents.

Mayor Baines replied I respect your opinion but I think that the State law was developed because of the situations that you just talked about and also on the school side there was a situation many years ago where School Board members were resigning to take positions at the School District. So there was enough of that going on that the State got involved and I think Senator Bossie passed a law to prohibit it and I think it straightens out and creates a system of integrity that I think is very important.

Alderman Shea stated I agree your Honor. I obviously disagree with my colleague...he has his point of view, but I think when somebody is elected to a political office there is a certain amount of political influence that they incur. Maybe they don't seek it but it is there and people look to them maybe sometimes that particular person or persons as it were might not use that particular office in the means to which they initially entered that office. I, too, believe that during the term/time they are elected they should not be able to seek any kind of outside employment. Once their term has ended, the two-year term, then that is fine. Now may I ask, your Honor, does that apply as well to the Mayor?

Mayor Baines responded yes. It applies to everybody.

Alderman Shea stated so what is good for the goose is good for the gander right.

Mayor Baines stated yes that is why I support it.

Alderman Garrity stated with all due respect to Alderman O'Neil and Alderman Porter I kind of like the idea of having to wait one year so I will oppose this amendment.

Alderman Gatsas responded just so my colleagues know, the amendment that I brought forward to have School Board members elected prior to a six-month period as I said I was going to do passed the Senate but died in the House and we will bring it back again so that that issue of appointment of School Board members hopefully goes away.

Mayor Baines stated I supported that amendment.

Deputy City Solicitor Arnold stated in rethinking my response before to Alderman Roy it comes to mind that the State Statute for the amendment of charters requires that the question

be sent to the ballot within seven days of the public hearing. So unfortunately contrary to my response before I don't think that is possible.

Alderman Lopez stated I want to point out that we had four attorneys on the Charter Commission and we had a hired attorney...our Charter I take very seriously and our City Solicitor made a ruling on a two-year term. I think if people want to challenge that particular ruling that is why there are courts and everything else but I support Tom Clark's interpretation of the City Charter a two-year term and I'll leave it at that.

Mayor Baines called for a vote on the amendment to eliminate the one year has elapsed so it would read "no elected official shall be employed by the City or by the School District until after the completion of the term for which the official was elected" and refer the amended question to a public hearing on August 2, 2005. The motion carried with Alderman Garrity being duly recorded in opposition.

Alderman Roy stated in order to comply with the City Solicitor I would also ask my colleagues at this point to send this proposed amendment, Item 17, to a public hearing to follow the public hearing that we just voted on so that we could comply with the seven day...

Deputy City Solicitor Arnold interjected you can't have alternative questions on the same topic on the ballot.

Alderman Roy responded I am not talking about the ballot. I am talking about the public hearing.

Mayor Baines stated he is not moving to put them on the ballot. He is moving to refer the original amendment to the next public hearing.

Alderman Roy moved to send the original proposed Charter amendment and the amended proposed Charter amendment to a public hearing on the same evening.

Alderman Gatsas asked what was the vote on the amendment?

Alderman Garrity stated I opposed the amendment.

Alderman Gatsas moved for reconsideration. Alderman Garrity duly seconded the motion. Alderman Gatsas requested a roll call vote. Aldermen Gatsas and Garrity voted yea. Aldermen Guinta, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, Smith, Forest and Roy voted nay. Alderman DeVries was absent. The motion failed.

- 18.** Communication from Alderman Osborne requesting the Board establish a policy reflecting actual votes on any Committee recommendation/report coming forward to the Board if other than a unanimous vote.

Alderman Osborne moved to approve the request to establish a policy reflecting actual votes taken on any committee recommendation to the Board. Alderman Shea duly seconded the motion.

Alderman O'Neil asked was there any one issue, Alderman Osborne that prompted this?

Alderman Osborne replied way back 20 years ago it was similar and all of the four years that I've been here now it's been the same way. Basically, all I'm saying here is nobody should have a problem with the way they vote...whether they vote yea or whether they vote nay. All I'm saying here is that when you get an agenda on Friday you're getting an agenda from these committees and you can't attend all of them, it's impossible. So, it's way one of being ahead of the game here...if there's a 3-to-2 vote then of course you could call one of the Aldermen for or against over the weekend or whatever...it's some sort of a judgment on what's going on with that particular issue. I think this is the fairest way for the Aldermen here and the fairest way for the people that what to know on internet or anything else...there should be no problem with the way you vote whether you vote yea or nay...there should be no problem with this, it should be a no brainer. Thank you.

Alderman O'Neil asked so is it only on reports from committees that have a split vote?

Alderman Osborne stated if it's unanimous, it's unanimous.

Alderman O'Neil stated and it specially spells out the vote either way...Aldermen Porter and O'Neil were on a committee and voted against something it would state that.

Alderman Osborne stated exactly.

Mayor Baines stated that is the way the School Board does it.

Alderman Smith stated I concur with Alderman Osborne because there was a vote taken and we spent a lot of time tonight...I just found out it came out of committee 3-to-2...so it might have swayed my thoughts one way or the other but this I think is...I don't mind them putting down my name saying yes or no as long as it's not unanimous they should put it down.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Forest duly recorded in opposition.

- 19.** Communication from Leo Bernier, City Clerk, requesting the Board set polling hours for the Non-Partisan Municipal Primary Election on Tuesday, September 20, 2005, from 6:00 AM until 7:00 PM.

On motion of Alderman Smith, duly seconded by Alderman Porter, it was voted to set the polling hours for the Non-Partisan Municipal Primary Election on Tuesday, September 20, 2005, from 6:00 AM until 7:00 PM.

- 20.** Communication from Frank Thomas, Public Works Director, requesting authorization to accept State funds and execute any related documents for the Household Hazardous Waste Collection Project to be held on Saturday, October 8, 2005.

On motion of Alderman Thibault, duly seconded by Alderman Lopez, it was voted to accept the funds, remand for the purpose intended, and authorize the Public Works Director to execute any documents necessary to carry out the project.

- 21.** Communication from Thomas Seigle, Chief Sanitary Engineer, requesting the Board accept five (5) sewer and drain easements relating to the West Bridge/Bremer Sewer Separation Project.

Alderman Forest moved to accept five (5) sewer and drain easements as presented, subject to the review and approval of the City Solicitor. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

- 22.** Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Alderman Shea moved to commit the warrant in the amount of \$66,546.87 to the Tax Collector under the Hand and Seal of the Board of Mayor and Aldermen. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

- 23.** Communication from Portsmouth Mayor Evelyn Sirrell requesting the City consider making a financial contribution of any size to the Seacoast Shipyard Association in light of the recent announcement that the Portsmouth Naval Shipyard be included on the Base Realignment and Closure Commission list to be submitted to President Bush.

Mayor Baines asked is there a recommendation on this?

Alderman Lopez stated I thought there was some discussion that we were going to get some type of statistical data about residents working there and such.

Mayor Baines stated no I think it's just a matter...that wasn't my understanding...if someone wants to make a motion for a hundred dollars or five hundred dollars.

Alderman Forest stated I believe and I'm not sure that I read in *The Union Leader* today that the BRAC Committee...that they're considering not closing the base, so we may not have to give this contribution.

Mayor Baines interjected no that's not true. The sub-committee as I understand it had five votes, they required seven.

Alderman Shea stated it's kind of a delicate situation as it were...(a) we don't want to be people that aren't generous to other communities but do we have any feedback as far whether any other communities in the state are doing the same thing. Are we going to be unique in our support of this and (b) if you do have certain civic contributions available to you maybe instead of...

Mayor Baines asked how much is there in civic contributions?

Mr. Clougherty replied \$13,000.

Mayor Baines stated I think one of the comments at the last meeting...we do have City residents that are employees out there and people said well maybe we should contribute something so here we are.

Alderman Lopez stated I think the State, Congressional and Senators and other people (revenues) are doing an excellent job in supporting...so, at this time I move to receive and file.

Alderman Shea duly seconded the motion.

Alderman O'Neil stated I was going to make a motion that we do something. I'm sorry but I didn't know that he was making a motion to receive and file. If he doesn't want to rescind it I'm going to vote against it. I think we need to make some gesture.

Alderman Shea stated if someone feels that way maybe they could contribute personally and that would be helpful.

Mayor Baines asked you don't wish to rescind your motion.

Alderman Shea stated no.

Mayor Baines called for a vote on the motion to receive and file.

A roll call vote was taken. Aldermen Roy, Guinta, Sysyn, Osborne, Porter, O'Neil, Smith and Thibault voted nay. Alderman Gatsas, Lopez, Shea, Garrity and Forest voted yea. Alderman DeVries was absent. The motion failed.

Alderman O'Neil moved that a \$5,000 contribution be given. I don't know what the right number is.

Mayor Baines stated I don't think we should be taking \$5,000 when you only have \$13,000 available.

Alderman O'Neil stated wait a minute let's be honest. If we're going to go through civic contributions and be into contingency we do that every year. So, we go over and above \$13,000 for civic contributions. We do it regularly.

Mayor Baines asked do we? We don't usually spend all of the City's civic contributions.

Alderman O'Neil stated Kevin we go into contingency regularly. Your Honor, let him clarify what he just answered to me.

Mr. Clougherty stated there have been years when we have expended it all depending on the circumstances and there have been years where we have not.

Mayor Baines stated a motion has been made for \$5,000 is there a second.

Alderman Porter duly seconded the motion.

Alderman Gatsas stated with all due respect to my colleague from Ward 1 when the City had a shortfall in education funding we didn't send out letters asking for people to send money here when the taxpayers in the City of Manchester got hit. Now, there's no question that the Portsmouth Shipyard is an integral part of what the State of New Hampshire is all about. I think that as Alderman Lopez said that the Governor and the Senators and the Congressional delegation are doing a great job. I went to the BRAC hearing in Boston, I participated in it, I drove down, and they did a great presentation. I don't think that it's about money, I think that Portsmouth is handling it well, the State's already contributed to that fund and I don't think that the taxpayers of Manchester...even though that it's a valiant effort that you make Alderman I don't think that that is something that we should be asking them to do. They've already participated in a contribution from the State level...the State gave them \$40,000...they've got an awful deep pocket there...if we're looking at ours I don't think it's quite that deep.

The motion to contribute \$5,000 failed.

Alderman Shea moved to receive and file the request for a contribution. Alderman Gatsas duly seconded the motion. The motion carried.

- 24.** Communication from the NH African Community Center inviting members of the Board to participate in the New England African Caribbean Festival scheduled for August 27 and 28, 2005 and requesting the City consider becoming a sponsor.

On motion of Alderman Shea, duly seconded by Alderman Lopez, it was voted to receive and file the communication from the NH African Community Center.

- 25.** Request of Alderman Guinta that the Board recognize the Manchester Committee on Efficiency and appoint three city employees to serve on the Committee submitted by Alderman Guinta.

Mayor Baines stated I will call upon Alderman Shea as Chairman of the Board who under the Charter has authority in this matter.

Alderman Shea stated as Chairman of the Board usually if there's a special committee I'm notified or asked and obviously I read in the paper that there was this resolution...I saw it on my agenda...your Honor, we do have a Quality Council in existence. We do have department heads that meet regularly. In fact, we received a very favorable report last night on the Accounts Committee by the Chairman that indicated that the department heads were very efficient, they stayed under their 2% budget, they returned monies, revenues were great, we're operating at a surplus with the revenues counted so as far as this committee is concerned I would say that I give credit to Alderman Guinta for his committee but I would say that as far as I am concerned I am not in favor of appointing any City people to an advisory committee. This committee is already in place and they are obviously working very hard to do whatever they intend to do but at this point, your Honor, as Chairman of the Board I'm not in favor and I would recommend that we receive and file.

Alderman O'Neil duly seconded the motion to receive and file.

Mayor Baines called upon Alderman Guinta.

Alderman Guinta stated I appreciate your letting me speak to my request, your Honor. I find it a little interesting that before I even have an opportunity to talk a little bit about this there has been a decision made relative to the need for a committee. I suspect what you're saying, Mr. Chairman, is that the City of Manchester is as efficient as possible and there is no room for improvement. Is that what you're saying?

Alderman Shea replied I'm saying that the City of Manchester right now is operating with competent department heads. I'm saying that in every situation there is always room for improvement...I am saying that if an advisory committee is appointed by a particular candidate for mayor or a particular individual within the Board here they should filter their suggestions through any department head but to have department heads working on an advisory committee that has been selected by a candidate for mayor is inappropriate because this advisory committee is a political committee made up of political people who are in support of a particular candidate...that's obvious and I am not in a position as Chairman of the Board to appoint people to a committee who have already been in existence and have made policies and statements publicly in the newspaper so as far as I'm concerned I admire the fact that you're working on efficiency matters, however, there is always room for improvement, however, you should filter your concerns to the department heads and let them analyze them rather than having them serve on a committee that's already in existence...that is what I'm saying.

Mayor Baines stated the authority under the Charter for special committees rests solely with the Chairman of the Board.

Alderman Guinta stated thank you for that clarification. I'm sorry that you're interjecting a political debate in this Chamber. This Chamber isn't about politics, this Chamber is about what we can do as Aldermen and as a Mayor to be the best in terms of city government and being efficient. And, when I presented my budget proposal back in March I had talked about being more efficient and at that presentation I had said that I did speak with many department heads who said they were very willing to participate in some sort of an efficiency program. So, this proposal is coming from Ward 3 Alderman Frank Guinta...nobody else. It's up to this Board to determine if it's appropriate or necessary and if the members of this Board shouldn't strive to be more efficient by setting up a committee of willing participants then shame on this Board. I'll even refer to what some other colleagues said at that meeting. I talked about...this is on May 17th when we passed the budget and I talked about identifying efficiencies in the City and at the time Alderman Lopez said I have something to say about efficiencies...I agree with Alderman Guinta...we could do that as a Board of Mayor and Aldermen. The Chairman has the right to appoint another committee with approval of the Board of Mayor and Aldermen and maybe we should have done so two years ago...we should have period. So, unless something has happened since May 17th to today I don't know why there's a problem or concern about trying to identify efficiencies...that's working for the taxpayer and that's what we're all elected to do and earlier this evening that's exactly what we did when we returned \$2.4 million to the taxpayers and that came from your motion and you said we all are talking about that. Well, let's all continue to talk about it and the presentation that I had for this evening had suggestions of five people and I asked the Aldermen to designate three additional people...it doesn't matter to me who they are. As long as they are people who are committed to the mission of the Manchester Efficiency Committee which is essentially to make the City more efficient. I don't know how anyone

could think in this room that that's wrong or that's improper. It doesn't matter if it comes from me, if it comes from the mayor, if it comes from another Aldermen. We all strive to be more efficient and that's what the purpose of the Committee is for.

Mayor Baines interjected again just for clarification I am not getting engaged in a debate on this issue. The sole authority to appoint all members of all committees, not three, not only, not two is the Chairman of the Board...not an individual Alderman.

Alderman O'Neil stated it would give the impression that departments in our City don't try on a regular basis to improve the delivery of services. I think it's something we've approved recently in a joint effort with the Police and Fire Departments where we're going into a computerated dispatch system...Chief, is that correct...it's going to improve the response time of police cruisers and fire apparatus in the City. I know that the Police Department through many chiefs not only Chief Jaskolka, Chief Driscoll and all their predecessors regularly would take a look at where the calls for services are and redesignate cruiser routes in the City to make sure that response times are addressed. I know the Highway Department on a regular basis looks at ways to improve either through equipment or manpower, how they provide their various services. We've even seen in the last few years a willingness from many departments to work together and share equipment and manpower to address some of these issues. So, although I respect Alderman Guinta I do believe it gives the impression that the City is inefficient and I don't believe that's correct and I certainly having served here with four different Mayors with I don't know how many different Aldermen I've served with over the years if somebody has an idea bring it forward, it gets referred to the appropriate committee and we try to address it.

Mayor Baines interjected we have employee committees that are working on this on a regular basis.

Alderman Lopez stated I'd probably have to agree with my colleague since he quoted me that if this was done back when we took office two years ago and it wasn't a political matter at this time I fully agree with you but the point I want to make...I served on the Human Resources Committee and the Quality Council...we as the Board of Mayor and Aldermen approved Bright Ideas and the mission of the Quality Council. I think it's very important and in a minutes I'll ask the Human Resources Director, your Honor, to comment on the Bright Ideas and some of the suggestions that we process too. Every employee in this City has an opportunity through *City Matters* the newspaper that was started by the Quality Council to bring ideas to the Human Resources Chairman/Committee and Director for any suggested ideas and it's reviewed and there's awards and things like that. We have a great bunch of City employees that take their time and try to do the most efficient way in this City to do things. We have six standing committees...I know other Aldermen have brought things before the Administration Committee, Traffic Committee, Lands and Buildings...to do something for efficiency, to sell things off to make more revenue for the City so there is

always an opportunity for any Aldermen through their resources of the people that they get their information from which we all know we have sources out there of the inefficient ways that something is happening...to bring it before the committee and with that I would ask the Human Resources Director to comment on Bright Ideas.

Mayor Baines called upon Mrs. Lamberton.

Ms. Virginia Lamberton, Human Resources Director, stated the Bridge Ideas Program was implemented in the City a couple of years ago and it's a program where any employee who can identify a way for City government to be more efficient, more effective. We've had several employees propose ideas, some of them...unfortunately for the employee had already been implemented by the department that they were making the recommendation for...the department was a step ahead of them. We had a Bridge Ideas proposal award for a couple of employees at the Airport who did a very brave thing and chased a car that on the runway that shouldn't have been on the runway when the President of the United States was here...anyway, it's a good program, we're in the process of updating it and revising it a little bit to make it a little easier for employees to submit a proposal instead of getting an award...maybe get a bonus if they really come up with something really magical for their own position...whatever department they're employed in.

Alderman Gatsas stated I don't think any one of us doesn't remember the discussions we had about consolidation...that probably is an efficiency where you wouldn't be looking to consolidate if you weren't looking for efficiencies. Certainly the night of the debate about budget Alderman Lopez suggested we should be talking about efficiencies. Well, maybe the efficiencies are here and certainly if the Chairman of the Board thinks that efficiencies are something that we're all looking for for the taxpayers of the City of Manchester because certainly the gracious statement that he made about me finding money for the City of Manchester along with my other colleagues was a gracious one but taking a vote to apply it to tax rate certainly is a political one no matter how you look at it and we're coming into an election. So, I certainly appreciate it it's not anything different than what I would have done and I think all 14 of us would have done the same thing. So, again, when we're talking about politics let's not try and enter into that political conversation because I think efficiencies are there. We ought to talk about them...the Chairman of the Board (Alderman Shea) understands now that probably if we take a vote that his colleague to his left (Alderman Lopez) was talking about efficiencies when he proposed his budget. So, I think that it's certainly about efficiencies in the City and we should be looking for them all the time. If we're talking about consolidation we certainly should be talking about efficiencies and we shouldn't wait until March or May or next year before we try and find them when we're in the beginning of the budget year.

Mayor Baines stated I appreciate your comments, Alderman Gatsas...brief comments that since I've been Mayor have had several groups have come before and issued reports to the

Boards on various efficiencies including consolidations and consolidation of operations. So, it's not something new that we haven't done on an on-going basis.

Alderman Shea stated I would like people to stick to the issue. The issue is not consolidation, the issue is not politics, the issue is the fact that there's an on-going committee that has been established by Alderman Guinta...that is incompatible with the rules of the Board...in other words, it's an existing committee...he's saying I have a group of people working on a committee, I want you to add three people to an existing committee...who's established the committee? The people involved with this advisory committee whether it's Alderman Guinta or whether it's Mayor Beaulieu or whoever established the committee, it's an existing committee that has nothing to do with consolidation...it has to do with an existing committee which is incompatible with the rules of the Board. The Chairman of the Board has the authority to select certain sub-committees, which consist of Aldermen not consisting of people that are in an existing advisory committee. I applaud him for it, if he has ideas and so forth let them bring them forward but as far as establishing them I think it's incompatible with the rules of the Board, your Honor.

Mayor Baines stated I think this is what I am going to do...is I think this item has been discussed thoroughly...I'm going right down here...Alderman Roy, Alderman Guinta, Alderman O'Neil...and then call for a vote. I would just ask people to not repeat the same arguments they've already presented.

Alderman Roy stated I am happy to see a number of Ward 1 residents on this committee proposed by Alderman Guinta...the buck stops here...we've got a 14-member committee that sits here week in and week out to look for efficiencies in the City. Those efficiencies don't always fall under consolidation or major changes, they fall under providing the right amount of police cars so we don't have high mechanical costs, falling under the 24-hour change in the Fire Department to reduce our overtime costs. Everyone of us fight for efficiencies everyday and everyone of us asks for our department heads who we pay high salaries to run and manage their departments to find efficiencies. Last year, we were able to deal with the 2% decrease when we were hit by the number that came out of Concord. So, while I do respect the idea of creating or getting rid of all inefficiency in the City it's our job...that's why we're here, that's why we're elected and that is why I am not supporting this.

Alderman Guinta stated what I will say to that is that we are not doing our job well enough because there are a lot of inefficiencies that I see and I think that there are a lot of people in the community that work very hard to identify and move forward on those efficiencies. But, we can do better...fair and simple. And, if you don't think we can do better than I don't think you have a grasp, a full grasp of what we're trying to do here. Now, let me go back to the issue as to why this came to the Board in the first place. During the budget presentations I talked about efficiencies and on the advice of Alderman Lopez who suggested we should

do this...that and talking with other people I said okay...let me put a group together and when I put a group together and I asked for a designee from the Police Department it was originally said yes and then the Chief called me back a day or two later and said he couldn't do it because it was not an authorized committee by the Board. So, immediately I issued an e-mail to the City Clerk's saying I'd like this on the Board's agenda for discussion...this group has not even met. I'm asking for this Board to authorize the committee and add members to the committee and I'll tell you something else...you talk about City employees who have an opportunity to provide ways of creating efficiencies in the City...Mike Roche who works for the City sent the Mayor a letter asking to meet with him during the budget process and there was no response to him. So, clearly that's not nonsense...let's listen to our employees, let's listen to the people who want to better our community, let's give them that opportunity. We're not fully giving them that opportunity. What's I'll do is I'll refer to the Chairman or to the Mayor to create this committee. I'd be happy to give you suggestions, put the people I suggest on or don't. At the end of the day the important thing is to have a committee that identifies ways we can improve as a government, it's not about me, it's not about the Mayor, it's not about the Chairman of the Board...it's about improving government...no more, no less. So, I'd be happy to withdraw my actual suggestion and have, if you would agree tonight or if the Mayor would agree tonight and put it together and we'll come up collectively as a Board to identify five, six, eight people who are willing to help us...what's the problem with that?

Alderman O'Neil stated we do already have that committee...the 15 of us have that responsibility as far as I'm concerned. Department heads regularly come before the Board with suggestions on how to improve service and not to repeat myself whether it's equipment or manpower...whatever they can do. We have, I think, just a recent situation in City Hall with the phone system...came up with the right change, working with the City Clerk where they handle some of the phone systems for the City to cut down on time of other people answering the phones all day long. To me that's improving the delivery of service to the taxpayer. Alderman Guinta, Frank, I don't want to misquote you but I thought you said you see inefficiencies daily...did you just say that?

Alderman Guinta replied I said there are inefficiencies we can improve on.

Alderman O'Neil stated I would love for you to bring those forward, I'm in favor of making change if it's going to improve services. We don't need a special committee of private citizens to bring change to government...the 15 of us have that responsibility...what we were elected to do.

Alderman Gatsas interjected I have to respond to that because you appointed a committee that came before us this evening...you appointed a committee...

Mayor Baines stated it's not a committee.

Alderman Gatsas stated I sat before this Board and said that those kids shouldn't be in that space nine months ago...nine months ago I said that those kids at the Office of Youth Services shouldn't be in that space.

Mayor Baines interjected let's stay with the subject.

Alderman Gatsas stated Alderman O'Neil just said that we bring it forward. I brought it forward and we had a committee this evening that said we need to make that change.

Alderman O'Neil stated that wasn't their only charge. Their charge was to look at the entire delivery of services for OYS.

Mayor Baines stated I am going to call for a vote and I also want to remind the Board that there was another committee that I appointed to look at how government operates, I've done it consistently since I've been Mayor. I've never turned down an employee or anybody else that wants to set up an appointment with the Mayor. I meet with union leaders on a regular basis...I had a group of them in here yesterday. There's a motion on the floor...the Clerk will read the motion.

Clerk Thibault stated the motion is to receive and file the request submitted by Alderman Guinta.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Gatsas, Guinta and Garrity duly recorded in opposition.

Alderman Guinta stated a point of order, your Honor.

Mayor Baines stated we're moving onto number 26.

Alderman Guinta reiterated a point of order please.

Mayor Baines stated I think enough has been said on that subject.

Alderman Guinta reiterated a point of order.

Mayor Baines stated no.

26. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Dollars (\$4,000,000) for the 2006 CIP 711706, Cohas Brook Interceptor – Phase 2 #1 Project.”

On motion of Alderman Thibault, duly seconded by Alderman Forest, it was voted that the Bond Resolution be read by title only, and it was so done.

Alderman Thibault moved that the Bond Resolution pass and be enrolled. Alderman O’Neil duly seconded the motion. There being none opposed, the motion carried.

27. Resolution:

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Twenty Eight Dollars (\$2,028) for FY2006 CIP 410706 NH DWI Patrol Program.”

On motion of Alderman Forest, duly seconded by Alderman Osborne, it was voted that the Resolution be read by title only, and it was so done.

Alderman Garrity moved that the Resolution pass and be enrolled. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

28. NEW BUSINESS

Mayor Baines stated I did watch on the news earlier this evening...the City of Nashua has decided to file a lawsuit against the Education Funding bill so that’s another community involved in the lawsuit. I just heard that so I thought I’d pass that on to you.

Communication from Robert MacKenzie, Director of Planning and Community Development, on behalf of the Police Department, requesting authorize to apply for Homeland Security Buffer Zone Protection Plan Grant monies.

Alderman Roy moved to authorize the Police Department to apply for a portion of a \$500,000 Homeland Security Buffer Zone Protection Plan Grant. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Alderman Smith stated I would just like to add the Board...the senior citizen William B. Cashin Senior Activity Center have an annual golf tournament every year and I would like to ask the Board if they would waive the green fees at Derryfield Country Club for this event.

Alderman Porter duly seconded the motion. There being none opposed, the motion carried.

Alderman Lopez asked if Item 29 was a clear cut thing...would we have to recess or if it's just state law that we're doing?

Mayor Baines replied all we're doing is allowing the state law that was passed to be implemented in the contracts.

Alderman Lopez stated I don't think we need to recess.

Mayor Baines stated let me just read it...David, just briefly explain it.

- 29.** Communication from David Hodgen, Chief Negotiator, requesting to meet with the Board for a negotiation strategy session.

Mr. David Hodgen, Chief Negotiator, stated essentially in the past the Teamsters' have requested at the negotiating table that the City agree to allow employees to voluntarily make PAC contributions by way of payroll deduction and we have told them in the past after consultation with the City Solicitor's office that we did not believe that we could do that legally...the Teamsters' had a bill introduced in the State Legislature which has been passed which now makes that matter legal and so now the Teamsters' are asking us to amend their contracts so that we can make those payroll deductions for any employees that want to do it.

Alderman Lopez moved to suspend Rule 26 and ratify and confirm the amendments to the Teamsters' Contracts, as presented, in accordance with the confidential memorandum dated July 15, 2005, effective as soon as practicable. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

There being no further business to come before the Board, on motion of Alderman Smith, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

City Clerk